

REMARKS

This Reply is in response to the Office Action (Restriction Requirement) mailed on October 17, 2007 (Office Action).

In the Office Action, the Examiner set forth the following restriction requirement requiring election of one of the below identified groups:

Group I, claims 1-6, 9-12, and 19-21, drawn to a method for the production of a glazing.

Group II, claims 22, 24-29, 33, and 35-40, drawn to a glazing.

In response to the restriction requirement mailed October 17, 2007, Applicants elect Group I. This election is made with traverse.

The basis of the restriction requirement as explained in the Office Action of October 17, 2007, is alleged obviousness.

The Office Action takes, as a starting point, EP 0304234, specifically, Example (Specimen) B in Table 1 on page 6, and then asserts that it would be obvious to replace layer (3) with a Zn metal as described in EP 0233303. Such a proposed replacement ignores the purpose of the layers in each reference. For example, in EP 0304234, the barrier layer is formed of a specific succession or sequence of oxides of two different metals. The sacrificial layer is sometimes generally included in the barrier layer in the specification.

What would be the basis or reason to change the tin metal of the sacrificial layer of EP 0304234? The result would be the zinc metal (oxide) layer proposed in the Office Action plus the already existing zinc metal oxide layer. What is the basis or reason to change from two different metals according to EP 0304234 to multiple layers of the same metal (oxide) as proposed in the Office Action? Nothing in either EP 0304234 or EP 0233303 suggests two adjacent layers of the same metal.

Furthermore, it appears that the Office Action improperly considers layers (3) and (5) of Specimen (Example) B, Table 1, of EP 0304234 as the same as the first and second layers of the claims of the instant application. This is believed to be an incorrect extrapolation of the EP

0304234 document since there is an intermediate layer (4) which has been apparently ignored for the purpose of developing the rejection.

Finally, even if, with the proposed substitution, a layer (3) of Zn is provided in EP 0304234, then the two Zn layers would have a composite thickness of 70 Å which is 7 nm, and that exceeds the general thickness of the first protective layer according to the instant claims.

For each of the foregoing reasons, it is respectfully submitted that the obviousness argument utilized as the basis for the restriction requirement under PCT Rules 13.1 and 13.2 as "lacking the same or corresponding special technical features" based upon obviousness was improperly based on hindsight, is contrary to the teachings of the primary document EP 0304234, and even if proper would not support an obviousness-based restriction requirement because of, *inter alia*, the thickness of the layer, especially since there is no basis or teaching the general thickness of the first protective layer as set forth in the instant claims.

Accordingly, Applicants respectfully traverse the restriction requirement and submit that the requirement should be withdrawn and all claims examined.

Although no fees are believed to be due, the Commissioner for Patents is hereby authorized to charge any deficiency in fees due with the filing of this document and during prosecution of this application to Deposit Account No. 50-0951.

Respectfully submitted,

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